

Planning Committee 21 June 2016
Report of the Chief Planning and Development Officer



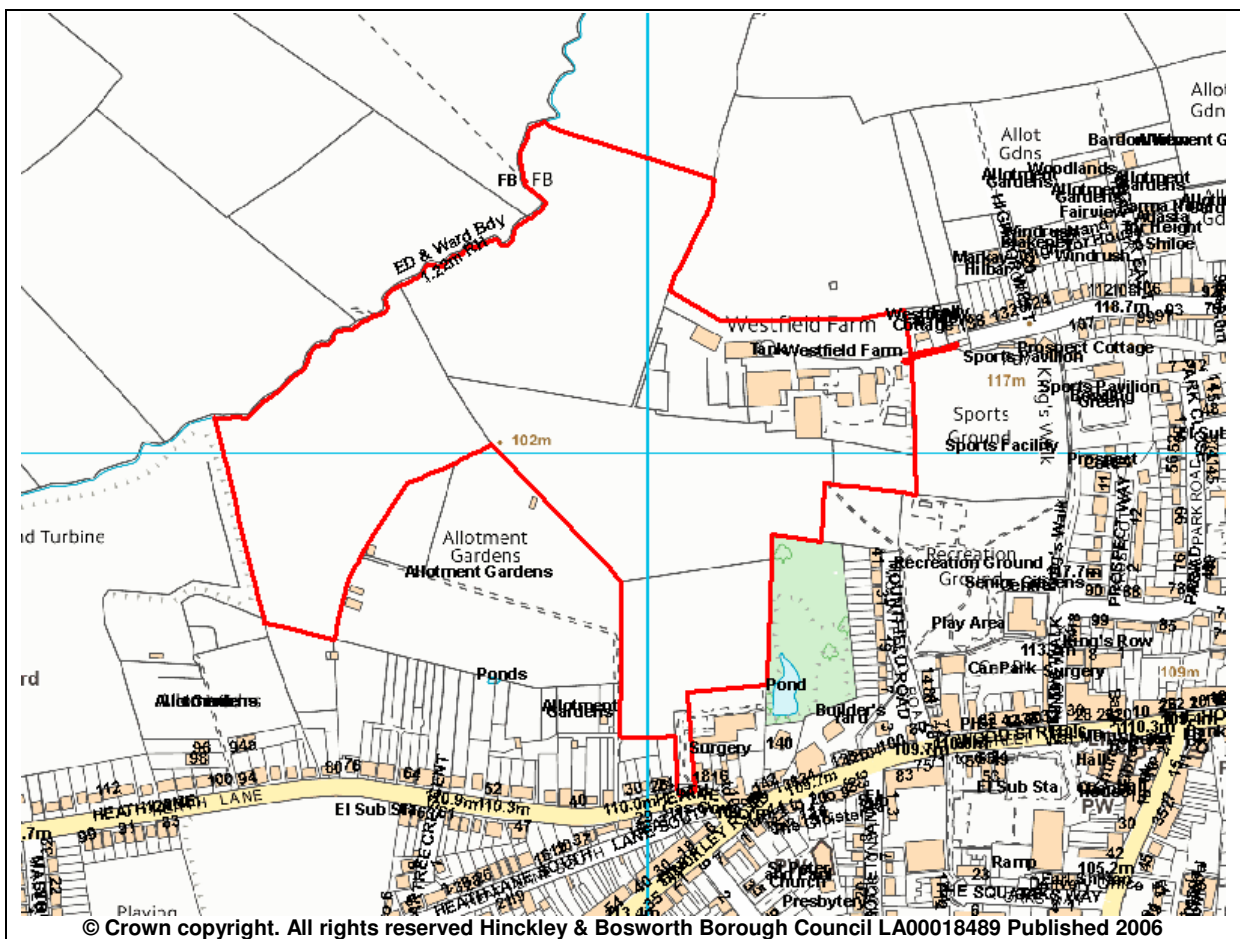
Hinckley & Bosworth
Borough Council

A Borough to be proud of

Planning Ref: 14/01279/OUT
Applicant: JGP Properties Ltd
Ward: Earl Shilton

Site: Westfield Farm Keats Lane Earl Shilton

Proposal: Residential development of up to 350 dwellings, 0.6 ha of employment starter units, expansion of existing community facilities, access, open space and indicative landscaping (outline - access only)



1. Recommendations

1.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - Education – Primary £1,016,316.84
 - Secondary £1,268,268.75
 - Special £115,519.29
 - Play and open space - £599,645.30
 - Public realm improvements - £240,625.00
 - Health - £50,944.00 and land
 - Police - £112,697.00

- Library - £13,996.50
 - Civic amenity - £17,336.00
 - Highways (sustainable transport) – £305,029.00
 - Highways (strategic improvements) - (to be agreed under delegated powers)
- Planning conditions outlined at the end of this report.
- 1.2. That the Chief Planning and Development Officer be given powers to determine the final detail of planning conditions based on those conditions agreed by the committee.
- 1.3. That the Chief Planning and Development Officer be given delegated powers to determine the final terms of the S106 agreement including trigger points and claw back periods based on the terms agreed by the committee.

2. Planning Application Description

- 2.1. This application seeks outline planning permission comprising residential development of up to 350 dwellings, 0.6 ha of employment starter units, expansion of existing community facilities, access, open space and indicative landscaping. All matters are reserved except for access which is a consideration.
- 2.2. Vehicular access to the site would be gained via Heath Lane and would comprise reconfiguring the existing access serving Heath Lane Medical Centre.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located to the north west of the District centre of Earl Shilton and north of Heath Lane and is outside the settlement boundary. The southern side of the site would adjoin garden allotments which are located to the north of dwellings fronting Heath Lane; one section of the site projects south and adjoins land adjacent to dwellings fronting Heath Lane and Heath Lane Medical Centre. The eastern boundary of the site would adjoin a former quarry, which has been left undeveloped to create a wildlife area, Wood Street park, Earl Shilton Cricket Club and Keats Lane. Beyond northern boundary is agricultural land and adjoining the western boundary is open space associated with William Bradford Community College.
- 3.2. There is a public footpath running through the site from Wood Street Park to the northern point of the site where it crosses Thurlaston Brook which adjoins the north west boundary of the site.
- 3.3. The site measures approximately 15.86ha and covers the Westfield Farm site which comprises the farmhouse, agricultural buildings and the associated agricultural land. Each field is predominantly lined by hedgerow. There are several mature trees across the site. The topography of the site is varied with the southern side located at the ridge of a hill where the fall falls away to the north where it begins to flatten on the northern side of the site.

4. Relevant Planning History

None applicable.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. In response to the above publicity, 17 letters of objection have been received which are summarised below:
1. Detrimental effect on neighbouring views
 2. Increase in vehicular traffic
 3. Heath Lane is not capable of accommodating the additional traffic
 4. Road widening would destroy ancient field boundaries
 5. Keats Lane is not suitable for additional vehicles attempting to access the development
 6. Adverse impact on the landscape
 7. Ecological impact – there are bats in the area
 8. The housing is unnecessary in this location
 9. Adverse impact on the character of the village
 10. This will lead to further invasions and irreversible destruction of precious green space
 11. There is ample scope for the re-development of brown field sites across the County
 12. Potential flooding issues from the additional surface water runoff and impacts on the adjacent watercourses
 13. Traffic at peak times in Earl Shilton will be excessive
 14. Lack of local amenities are being provided
 15. A number of businesses run on the site that would have to re-locate
 16. Public consultation has been inadequate.

6. Consultation

- 6.1. No objection, some subject to conditions, has been received from:

HBBC Affordable Housing Officer
HBBC Waste Services
Environmental Health (Drainage)
Environmental Health (Pollution)
Leicestershire Police
Leicestershire County Council (Ecology)
Leicestershire County Council (Rights of Way)
Leicestershire County Council (Highways)
Severn Trent Water Limited
Environment Agency
NHS England

- 6.2. Leicestershire County Council (Drainage) – to be provided as a committee late item.

- 6.3. As a result of the Developer Contribution consultation, the following planning obligations are sought:

Leicestershire County Council (Civic amenities) – £17,336
Leicestershire County Council (Libraries) – £10,563
Leicestershire County Council (Education) – £2,400,104.88
Leicestershire Police – £112,697.00
NHS England – £213,444 or suitable land

- 6.4. Earl Shilton Town Council – no objection in principle subject to suitable mitigation for ecology and flooding and appropriate contributions sought for the medical centre.

- 6.5. Barwell Parish Council – object to the application; no reasons given.

7. Policy

- 7.1. Development Plan 2006 – 2026: Core Strategy (2009)

- Policy 2: Development in Earl Shilton
- Policy 5: Transport Infrastructure in the Sub-Regional Centre
- Policy 15: Affordable Housing
- Policy 16: Housing Mix, Density and Design
- Policy 19: Green Space and Play Provision

- 7.2. Hinckley and Bosworth Local Plan (2001)

- Policy RES5: Residential Proposals on Unallocated Sites
- Policy EMP4: Employment Development on Sites other than those Allocated for Employment Uses
- Policy BE1: Design and Siting of Development
- Policy BE7: Development in Conservation Areas
- Policy BE13: Initial Assessment of Sites of Archaeological Interest and Potential
- Policy NE5: Development in the Countryside
- Policy NE10: Local Landscape Improvement Areas
- Policy NE14: Protection of Surface Waters and Groundwater Quality
- Policy T5: Highway Design and Vehicle Parking Standards

- 7.3. Emerging Site Allocations and Development Management Policies DPD

- DM1: Presumption in Favour of Sustainable Development
- DM3: Infrastructure and Delivery
- DM4: Safeguarding the Countryside and Settlement Separation
- DM6: Enhancement of Biodiversity and Geological Interest
- DM7: Preventing Pollution and Flooding
- DM10: Development and Design
- DM11: Protecting and Enhancing the Historic Environment
- DM12: Heritage Assets
- DM13: Preserving the Borough's Archaeology
- DM17: Highways and Transportation
- DM18: Vehicle Parking Standards
- DM20: Provision of Employment Sites

- 7.4. Earl Shilton and Barwell Area Action Plan
- Policy 10: General Highways Provision for Earl Shilton Urban Extension
 - Policy 19: Regeneration of the District Centres
 - Policy 21: Infrastructure and Delivery
 - Policy 22: Development and Design
- 7.5. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2012)
 - Planning Practice Guidance (PPG)
- 7.6. Other relevant guidance
- Play and Open Spaces Developer Contributions SPD

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Impact upon the highway
- Drainage and flood risk
- Ecology
- Heritage Assets
- Contamination
- Impact upon amenity
- Developer contributions
- Play and open space
- Public realm

Assessment against strategic planning policies

- 8.2. Paragraph 11 - 13 of the National Planning Policy Framework (NPPF) states that:
- 8.3. a) Planning law (ie section 38(6) Planning and Compulsory Purchase Act 2004) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.4. b) The NPPF does not change the status of the development plan as the starting point for decision-making and states that proposed development which conflicts with the development plan should be refused unless other material considerations indicate otherwise.
- 8.5. c) The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.
- 8.6. The Development Plan (2006 to 2026) is made up of a number of documents that are relevant to this application.
- 8.7. The Core Strategy provides a spatial strategy and directions for growth. The development strategy is based on a hierarchy of settlements with the majority of this growth to be accommodated in and around the Hinckley sub-regional centre.

- 8.8. The Core Strategy identifies that Earl Shilton has a role in supporting Hinckley in fulfilling its role as a sub regional centre. The Core Strategy also identifies that it contain pockets of significant deprivation, particularly relating to income, education skills and training, employment and health and their local centres are in need of regeneration.
- 8.9. In order to support the regeneration of Earl Shilton, a number of strategic measures are identified through Core Strategy Policy 2, for example by:
- allocating a mixed use sustainable urban extension to the south of Earl Shilton;
 - supporting development within Earl Shilton settlement boundary to deliver a minimum of 10 new residential dwellings;
 - ensuring there is a range of employment opportunities within Earl Shilton;
 - supporting the regeneration of the Earl Shilton local centre, including public realm improvements and the development of a focal civic space;
 - supporting the development of new leisure facilities and sustainable public transport links including enhanced walking and cycling connections between Barwell, Earl Shilton, Hinckley, Burbage and the surrounding countryside;
 - requiring transport improvements in line with Policy 5. This includes the delivery of safe, high quality cycling routes and interventions on the strategic road network.
- 8.10. The proposal is outside the identified settlement boundary for Earl Shilton as defined in the Local Plan, Area Action Plan and the emerging SADMP and therefore the site is within the countryside. Saved Policy NE5 of the Local Plan and DM4 of the emerging SADMP seek to protect the intrinsic value, beauty, open character and landscape character of the countryside by safeguarding it from unsustainable development.

Residential Development

- 8.11. Paragraph 49 states that housing applications should be considered in the context of sustainable development and that policies relating to the supply of housing should not be considered up to date if the local authority cannot demonstrate a five year supply of deliverable sites. The Council can currently demonstrate a 5.69 year housing land supply and therefore the relevant policies for the supply of housing in the development plan are considered to be up-to-date.
- 8.12. Policy RES5 of the Local Plan states that on sites which are not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within the boundaries of an urban area as defined on the proposals map. The proposed residential land falls outside the settlement boundary and is therefore contrary to Policy RES5 of the Local Plan.
- 8.13. The Earl Shilton and Barwell Area Action Plan identifies that the Core Strategy set out a requirement for 2000 dwellings to be provided within the Earl Shilton urban extension at a density of 40 dwellings per hectare (dph) but following further work to inform the preparation of the SUE masterplan, the SUE is more likely to accommodate a minimum of 1600. The exact amount of land to be developed for new homes, employment uses and open space is variable, subject to a number of factors to be considered as part of detailed proposals to be submitted at the planning application stage. The Earl Shilton SUE is allocated in the Area Action Plan which is located to south of Earl Shilton as directed by the Core Strategy.

- 8.14. The applicant comments that the proposed development of 350 dwellings would bridge the gap between the minimum requirement of 2000 homes as set out in the Core Strategy and the 1600 homes as envisaged in the Area Action Plan. However, the emerging SADMP notes that during the preparation of the Core Strategy, the Council included an overprovision of 667 dwellings to act as a contingency should the SUEs not be able to accommodate the 4500 dwellings identified in the Core Strategy. The overprovision has enabled the Council to absorb the shortfall of 400 dwellings that was initially to be provided on the Earl Shilton SUE and no further allocation is made within the SADMP for residential development.
- 8.15. The spatial strategy contained within the Core Strategy seeks to accommodate the majority of the Borough's development requirements in and around the Hinckley sub-regional centre, within the key urban area of the Borough. Where necessary, this will be delivered through sustainable amendments to the settlement boundary. Earl Shilton and the neighbouring settlement of Barwell are planned to increasingly support the sub-regional centre of Hinckley over the plan period and as a result are identified as part of a wider urban area. The ability of Earl Shilton to achieve this sustainably relies upon its regeneration over the plan period, which is a key emphasis of the Development Plan's spatial strategy, in particular Policy 2: Development in Earl Shilton. A range of infrastructure requirements are required through the implementation of the Development Plan in order to support this regeneration. As a result, proposals that seek amendments to the settlement boundary of Earl Shilton are expected to demonstrate how they would support the timely delivery of the infrastructure that is required to support its regeneration.
- 8.16. Although the proposed development is not essential in order to meet the identified housing requirements of Earl Shilton and the sub-regional area, the Core Strategy and SADMP do not prohibit additional development. Residential development in the proposed location has potential for several benefits; an assessment of the sustainability of the site as a whole is assessed below.
- 8.17. Policy 15 of the Core Strategy requires 20% affordable housing to be provided on developments over 15 dwellings with a tenure split of 75% social rented and 25% intermediate housing as a starting point. Following discussions between the affordable housing officer and the applicant around the need and provision within the district, it has been agreed that the applicant shall provide 20% (70 units) affordable housing on-site. The dwellings to be provided as affordable housing provision would be as follows:
- 30% of the scheme (21 units) – 1 bed coach houses;
 - 45% of the scheme (31 units) – 2 bed houses and bungalows;
 - 20% of the scheme (14 units) – 3 bed houses
 - 5% of the scheme (4 units) – 4 bed houses
- 8.18. The above units would be provided with a 70%/30% split between social rented and intermediate housing. The split between the tenure and dwelling type is yet to be agreed but it is requested that the intermediate housing comprises the 2 and 3 bed dwellings.
- 8.19. Policy 16 of the Core Strategy seeks to secure appropriate housing density, mix and design. The mix and design of the designs would be agreed at the reserved matters stage. The development would provide dwellings at approximately 23 dwelling per hectare which is well the policy requirement. The site is relatively constrained due to the shape, topography and landscape characteristics and the proposed scheme would provide a substantial area of informal amenity space which

if discounted would drastically increase the dph. Therefore, a lower provision of dwellings per hectare is justified and considered acceptable in accordance with Policy 16.

Employment Development

- 8.20. Earl Shilton has an identified shortage of employment opportunities. Policy 2 of the Core Strategy seeks to ensure there is a range of employment opportunities in Earl Shilton. The proposed development would provide 0.6ha of employment land (Use Class B1(c)) comprising starter units. Policy EMP4 of the Local Plan allows for unallocated small-scale employment sites within settlement boundaries subject to meeting the criteria within the policy. The proposed development land sits outside the settlement boundary and therefore would be contrary to Policy EMP4 of the Local Plan. However, paragraphs 37 and 38 of the NPPF notes that planning policies should aim for a balance of land uses so that people can be encouraged to minimise journey length and undertake day-to-day activities on site. Despite the conflict with the Development Plan policy, the development would provide employment benefits to the existing and proposed population, provided it is concluded that the associated residential development is sustainable. The benefits of the development as a whole are assessed below.

Medical Centre

- 8.21. Paragraph 70 of the NPPF iterates that to deliver social, recreational and cultural facilities and services the community needs, decisions should ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefits of the community and ensure an integrated approach to consider the location of housing, economic uses and community facilities and services.
- 8.22. The proposed development is in a location that is close to the Earl Shilton District Centre and can be accessed by sustainable modes of transport. The development would improve vehicular access to the Heath Lane Surgery and create the ability for it to be expanded to serve the growing community. The Earl Shilton and Barwell AAP sets out the intention to expand the facilities at the Heath Lane Surgery over the plan period and this proposal would therefore help facilitate this policy requirement.

Loss of Agricultural Land

- 8.23. Paragraph 112 of the NPPF notes that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.
- 8.24. Natural England's Agricultural Land Classification map for the East Midlands identifies that the application site does not comprise any Grade 1 or Grade 2 agricultural land. Therefore, with regards to paragraph 112 of the NPPF, the proposed development is considered to be acceptable.

Planning Balance

- 8.25. Policy DM1 of the emerging Site Allocations and Development Management Policies DPD (SADMP) and Paragraph 14 of the National Planning Policy

Framework (NPPF) sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved and development proposals that conflict should be refused unless other material considerations indicate otherwise. There are three dimensions to sustainable development: economic, social and environmental. These roles are mutually dependant and therefore to achieve sustainable development, such gains should be sought jointly and simultaneously.

Economic

- 8.26. Annex 2 of the NPPF states that housing development does not constitute economic development, however it is acknowledged that the proposed scheme would contribute towards the wider economy, through construction jobs. In addition, some employment land is provided, which would be to the benefit of the existing population as well as the population resulting from the housing growth due to the proximity to the town centre. The aim of the Area Action Plan is focused around the regeneration of Earl Shilton and Barwell centres. The proximity of the proposed residential development to the town centre has potential for indirect effects on the local economy due to increased footfall. The proposal would have minimal impacts on the wider economy, but has potential for local economical benefits.

Social

- 8.27. The delivery of both market and affordable housing is a social benefit. The proposed development would also support and greatly boost the Council's housing land supply, as well as providing a supply of housing close to Earl Shilton District Centre which provides a range of facilities and services.
- 8.28. The development would facilitate the expansion of the Heath Lane Surgery, which would be required for the residents of the new development and would also indirectly benefit the existing population. The expansion of the Heath Lane Medical Centre is a requirement of the Development Plan 2006 to 2026.
- 8.29. A planning obligation is proposed to contribute towards connectivity and public realm improvements. In addition, a planning obligation is proposed to provide a Multi-Use Games Area at Weavers Springs Park, which would be to mitigate the additional proposed population but would also benefit the existing population as it would introduce a new facility, as well as the on-site provision of play space and equipment. Through the provision of these measures, the proposal is considered to support the regeneration of Earl Shilton.

Environmental

- 8.30. The proposal would result in the loss of an area of greenfield, agricultural land; although none of the site is considered to comprise high grade agricultural land. There would be visual harm to the landscape setting, especially when viewed from the countryside to the north of the settlement, and character of the settlement as the northern edge is currently limited to the ridge top location. There would be neutral impacts on biodiversity although this would be as a result of mitigation. Given the proximity of the development to the sub-regional centre and availability of public transport and improvements to footpaths and cycle paths, the level of commuting and distances and would not be excessive. Further details of the environmental impact that the development would create upon the countryside are discussed below.

Conclusion

- 8.31. The proposed development is contrary to Policies RES5, EMP4 and NE5 of the Local Plan and DM4 of the emerging SADMP as it introduces a new direction of growth for the settlement. However, the development would contribute towards the delivery of infrastructure, including; strategic highways improvements, facilitation of the expansion of the medical centre and public realm improvements, that would support regeneration in Earl Shilton as required by Policy 2 and Policy 5 of the Core Strategy. It also supports the regeneration ambitions for Earl Shilton set out in Policy 19 of the Earl Shilton and Barwell Area Action Plan. Although there are some adverse environmental impacts, when considered in the context of the presumption in favour of sustainable development as a whole, the location is considered suitable for the proposed development.

Impact upon the Character of the Area

- 8.32. Policies BE1 of the Local Plan and DM10 of the emerging SADMP seek to ensure that new development does not have a detrimental impact on the character and appearance of the surrounding area and that it respects the local distinctiveness and landscape setting. Policies NE5 and RES5 of the Local Plan and DM4 of the emerging SADMP seek to ensure that development does not have a significant adverse effect on the intrinsic value, beauty, or open character and landscape character of the countryside. Policy NE10 designates the application site as a local landscape improvement area where 10% of the site should be set aside for tree planting. These policies are supported by paragraph 17 of the NPPF.
- 8.33. The Landscape and Character Assessment (2006) designates the application site as located within Stoke Golding Vales Character Area. The applicable key characteristics of the wider area are as follows:
- Predominantly flat with only gentle undulations;
 - Mix of arable and pasture with frequent individual trees;
 - Medium scale rectilinear field pattern bounded by mixed hedgerows with scattered hedgerow trees and small copses;
 - Settlement usually associated with local high points;
 - Area criss-crossed by network of small lanes and public footpaths;
 - Area is open and expansive with views occasionally limited by vegetation; and
 - This is generally tranquil, rural character area despite the proximity of Hinckley and the A5.
- 8.34. The assessment notes that Earl Shilton's ridge top location is a distinctive feature resulting in particular prominence from the open countryside to the north and that future expansion will demand careful landscape integration with substantial framework planting to aid development assimilation.
- 8.35. The applicant has submitted a landscape and visual appraisal with the application. The applicant provides further landscape information, the most applicable is as follows:
- Field hedges are low and managed generally with broad sloping sides and a flat top. These hedges appear greatly unaltered and contain a good mix of native species;
 - Streams are lined by taller, less managed vegetation;

- Imposing three storey, white rendered houses form dotted landmark features in the outlying countryside;
- Countryside to the north is open and expansive but often with a clear skyline ridge formed by low hill undulations;
- In the distance to the north east is a pylon run and white form of Peckleton Common industrial area;
- There is a notable urban fringe influence on the edge of the settlement;
- When viewed from the outlying countryside the towns ridge top location is quite notable as a skyline feature though this is varied.

- 8.36. The submitted landscape and visual appraisal provides an assessment from visual receptors in the area surrounding the application site and concludes that the development would nestle into the existing pattern of the urban edge shouldered by high ground to the east and west and with the urban edge of Earl Shilton immediately to the south. Visibility and potential visual influence extends most notably in a cone to the north. Within the close edge of the town there are only a few notable vantage points otherwise in outlying rural views from the north, the visual effect of the proposed development would be minimal and the composition of the settlement in the scene from these vantage points would not be notably altered by this additional built form.
- 8.37. it is considered that within the surrounding setting of the proposed development, including: dwellings on Heath Lane, dwellings on Keats Lane, users of Wood Street park and users of Heath Lane Surgery, the development would be visible and there would be a moderate degree of impact although the majority of the development would not be significantly noticeable due to the varying topography of the site and the land falling away from the ridge top. From these areas, the immediate area would be impacted although longer distance views of the countryside would be retained.
- 8.38. Within the immediate setting of the proposed development, walkers along the public footpath from Wood Street Park through the site would experience a high magnitude of change and substantial impact on their enjoyment of the countryside. However, this is expected from any greenfield development and the layout and landscaping of the development can be used to lessen the impact.
- 8.39. Users of the footpaths, roads and bridleways in the countryside to the north of the settlement would have a greater appreciation of the proposed change to the setting of the town. At present, the development of the town generally follows the ridge of the hill with some variation of built form but the northern side of the slope remains largely undeveloped and verdant in nature. It is considered that too much weight has been given by the applicant to the impact of the urban fringe features. From the north, the visual impact would be significant as the development would descend down the undeveloped slope from the ridge. The development, when viewed from the north, would present an intrusion into the undeveloped countryside and change the character of the northern edge of the settlement. Whilst some planting could be used to mitigate some visual impacts, the development could not be screened to overcome the character and landscape harm due to the location on a sloping site.
- 8.40. The proposed development would have an adverse impact on the character of the settlement and the visual appearance of the landscape, most noticeable from the footpaths, bridleways and roads to the north of the settlement. Therefore, the proposed development is considered to be contrary to Policies BE1, NE5, NE10 and RES5 of the Local Plan and Policies DM4 and DM10 of the emerging SADMP.

Impact upon Highway Safety

- 8.41. Policies T5 of the Local Plan and DM17 of the emerging SADMP seek to ensure developments make the best use of existing public transport, provide convenient and safe access for walking and cycling to services and facilities and ensure there is not a significant adverse impact upon highway safety. And, in the case of developments that would generate significant movement, ensure the development is located where the need to travel is minimised, use of sustainable transport can be maximised and the residual cumulative impacts of the development on the transport network are not severe. These are supported by chapter 4 and paragraphs 37 and 38 of the NPPF.
- 8.42. A Transport Assessment (TA) has been submitted with the application. The TA includes: a detailed assessment of the existing highway network, an investigation into the existing public transport routes, an investigation into the location and condition of pedestrian and cycle routes, the availability of local amenities, consideration of the likely impacts of the development on the highway network, consideration of the access via the construction of the site entry off Heath Lane and a study of personal injury accidents of the local highway network.
- 8.43. The proposed residential development is expected to generate 212 AM peak hour two-way trips and 237 PM peak hour two-way trips. The proposed employment development is expected to generate 112 AM peak hour two-way trips and 101 PM peak hour two-way trips.
- 8.44. The TA concludes that the capacity assessments demonstrate that the impact of the proposed development on the local highway network is minimal and all junctions are shown to operate within capacity including when the development traffic is in place. The TA proposed upgrading and realigning of the access onto Heath Lane which would give priority to traffic accessing and egressing the site as opposed to accessing the further section of Heath Lane.
- 8.45. Concern has been raised that the existing access along Keats Lane is not capable of accommodating the additional traffic associated with the development. It should be noted that Keats Lane would only be used for pedestrians, cyclists and emergency vehicles only.
- 8.46. Leicestershire County Council (Highways) was consulted on the application and commented that the impact of development as submitted would be severe in accordance with paragraph 32 of the NPPF. The proposed upgrading of the access onto Heath Lane is acceptable. However, mitigation would be required in respect of the wider off-site implications on the strategic highway network.
- 8.47. The submitted TA considered the proposal as a standalone development, which in the view of the Highways Authority could have rendered delivery of the infrastructure associated with the wider growth in HBBC's adopted Core Strategy and AAP unviable. However, following discussions, the applicant has requested that this site is assessed as contributing to the aims of the Core Strategy and AAP and it is in this context that contributions to mitigate the severe impact have been agreed.
- 8.48. The Highway Authority has requested mitigation measures in accordance with the Strategic Transport Assessment and the AAP. The proposed site would have a strategic influence on the growth of the settlement. The applicant has agreed in principle to contribute towards mitigation measures for the off-site implications of the development. However, the mitigation measures to which the proposed

development should contribute towards is still being negotiated and therefore it is requested that the negotiation and agreement of the agreed contribution be delegated to the Chief Planning and Development Officer.

- 8.49. To comply with DM17 of the emerging SADMP, Government guidance in the NPPF, the CIL Regulations 2011, and the County Council's Local Transport Plan 3, the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use.
- Travel Packs – £18,497.50 (£52.85 per dwelling)
 - 6 month bus passes (2 per dwelling) –£245,000 (£350 per pass)
 - Improvements to 2 nearest bus stops – £6,526 (£3,263.00 per stop)
 - Bus shelter at 1 nearest bus stop – £4,908
 - Real Time Information system at nearest bus stop – £10,000
 - Disability access and signage improvements – £8,760
 - Monitoring fee – £11,337.50
- 8.50. Some of the above contributions would be subject to trigger points as specified in the S106 agreement and therefore the above figures represent the maximum payments that would be applicable.
- 8.51. There is a Public Right of Way that crosses the site. This will need to be re-routed under a Diversion Order. The Masterplan shows an indicative revised PRow route and pedestrian access points at other areas from the site; to open countryside to the west and north; and to the playing fields to the east. Detailed consideration of these would be given via the internal layout at the Reserved Matters application.
- 8.52. It is considered that a safe form of access can be provided to the site and the above contributions can would be used to promote sustainable transport and mitigate the wider vehicular impacts of the development in accordance with Policies T5 of the Local Plan, Policy 5 of the Core Strategy, Policy 10 of the AAP and DM17 of the emerging SADMP.

Drainage and Flood Risk

- 8.53. Policy NE14 of the Local Plan and DM7 of the emerging SADMP seek to ensure the protection of surface waters and groundwater quality and that development does not create or exacerbate flooding by being located away from areas of flood risk. These are supported by chapter 10 of the NPPF.
- 8.54. A site-specific flood risk assessment (FRA) has been submitted with the application which addresses issues relating to flood risk, surface water drainage and foul water drainage.
- 8.55. The Environment Agency flood maps identify the site as within flood zone 1 and therefore it is not at risk of fluvial flooding in storm events up to 1 in 1000 years. The FRA assessed the likely impact of flooding from alternative sources including pluvial, sewerage, groundwater and artificial water bodies and it concluded that these pose a low risk to the development.
- 8.56. The FRA confirms that soakage testing was carried out and the results confirmed that infiltration drainage would not be feasible for the disposal of surface water run-off. It is proposed to discharge the surface water into two attenuation ponds situated to the low-lying north west of the site where an appropriate discharge point into the

adjacent watercourse can be found. A network of swales and pipes will direct surface water flows to the attenuation ponds.

- 8.57. It is proposed to discharge foul water generated by the development via a new pumping station and rising main to an existing 525mm combined sewer network located within the southern area just north of Heath Lane.
- 8.58. Severn Trent Water, Environmental Health (Pollution) and the Environment Agency have been consulted on the application and no objections were raised, subject to conditions.
- 8.59. When the application was submitted the Environment Agency was the statutory consultee for flood risk and drainage issues. Due to changes in legislation, Leicestershire County Council (Drainage) is now the Lead Local Flood Authority and therefore the statutory consultee. LCC (Drainage) is currently assessing the submitted information and their response will be provided as a late item to committee.
- 8.60. It is considered that the proposed development would not exacerbate flood risk or has an adverse impact upon surface or groundwater quality and would incorporate sustainable urban drainage in accordance with Policy NE14 of the Local Plan, DM7 of the emerging SADMP and chapter 10 of the NPPF.

Ecology

- 8.61. Policy DM6 of the emerging SADMP seeks to ensure that major developments include measures to deliver biodiversity gains and that development does not have an adverse impact on Locally Important Sites. This is supported by Paragraph 109 of the NPPF. Thurlaston Brook hedgerow is a potential locally important site and there is known wildlife on the former landfill site adjacent to Heath Lane Surgery.
- 8.62. Phase 1 & 2 ecology surveys have been submitted with the application which confirm the presence of protected species on and adjacent to the site. Details of the protected species are as follows:
- 8.63. The habitats within the site, including the hedgerows, lines of trees, linear woodland and the off-site woodland in the southeast corner have the potential to provide foraging opportunities for bats. These habitats have not been closely inspected at this stage as the Layout of the site is to be considered as a reserved matter. Further inspection should be undertaken to inform the layout. The farm buildings were inspected for the presence of bat roosts and it was concluded there were no signs within the buildings. However, bats were foraging within the immediate vicinity of the buildings and spotted during emergence surveys.
- 8.64. The field survey carried out on the 18th June 2014 provided evidence that badger was using the site. A main sett with 12 entrance holes is located within the site. Surveys of the neighbouring woodland on confirmed that the main sett extended into the neighbouring woodland situated to the SE corner of the site. The woodland part of the sett consisted of 23 entrance holes. A second, possible subsidiary, sett was located in a dense hedgerow outside of the site boundary approximately 400m north-northeast of the main sett. Although no badger field signs were found within the site fields there were a few trails that were probably badger, located within and to the north of the site. The proposed development could result in the loss of part of a main sett, foraging habitat and commuting routes to the subsidiary sett and neighbouring farmland and therefore mitigation measures would be required. The

Masterplan illustrates a buffer zone could be provided from the sett and this would need to be considered when Layout is considered at the reserved matters stage.

- 8.65. There are several ponds located adjacent to the Heath Lane surgery section of the application site within the former quarry. 5 ponds were surveyed for newts and Smooth Newts and Great Crested Newts were present in all ponds surveyed but primarily concentrated around one pond. The woodland surrounding the pond is considered to be suitable terrestrial habitat and is likely to accommodate the needs of the great crested newt populations associated with the ponds. The grassland and arable habitats on the application site are sub-optimal although the presence of some individual newts cannot be discounted. An EPS license would be required to remove any newts from the site prior to the development and to exclude newts for the duration of the construction period.
- 8.66. The desk study did not return any records of water vole within the search area. Checks of accessible sections of Thurlaston did not locate any signs of water vole and the stream is considered to be sub-optimal for water vole, because it is shallow, narrow and lined by trees. Therefore, the presence of water vole on the site is not anticipated.
- 8.67. Leicestershire County Council (Ecology) was consulted on the application and raised no objection subject to conditions.
- 8.68. The proposed development, subject to conditions, would not have an adverse impact on biodiversity and protected species and could provide net gains in biodiversity subject to the reserved matters. The proposed development is considered to be in accordance with Policy DM6 of the emerging SADMP and paragraph 109 of the NPPF.

Heritage Assets

- 8.69. Policies BE7 and BE13 of the Local Plan and Policies DM11, DM12 and DM13 of the emerging SADMP seek to protect conserve and enhance the historic environment, including archaeology, throughout the borough.
- 8.70. The vehicular access to the site from Heath Lane would be located adjacent to the Earl Shilton conservation area. The majority of the development would be located a significant distance from the conservation area although some residential development is shown on the illustrative plan to be within 75m of the conservation area. The built development would be separated from the conservation area by the dwellings fronting Heath Lane. Due to the separation from the conservation area and with scale and layout to be considered as reserved matters, it is considered that a development could be achieved that would not have an adverse impact on the setting of the conservation area.
- 8.71. An archaeological assessment has been submitted with the application. The assessment comprised a desk-based assessment, geophysical survey and a programme of trial trenching. Leicestershire County Council (Archaeology) was consulted on the application and commented that the archaeological potential for the site is significantly more limited than when originally assessed against the data held on the Leicestershire and Rutland Historic Environment Record. Therefore, subject to the developer's commitment to completing the necessary reporting and archive deposition, the proposal will not result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets.

- 8.72. The proposed development would not have an adverse impact on any designated or undesignated heritage assets and is considered to be in accordance with Policies BE7 and BE13 of the Local Plan and Policies DM11, DM12 and DM13 of the emerging SADMP.

Contamination

- 8.73. Policy DM7 of the emerging SADMP seeks to ensure the impacts from pollution would be prevented. The existing use of the site for agricultural purposes has the potential to cause contamination issues which would be detrimental to the health of the future occupiers. Environmental Health (Pollution) and the Environment Agency have been consulted on the application and raised no objection subject to conditions.

Impact upon amenity

- 8.74. Policy BE1 of the Local Plan and Policy DM10 of the emerging SADMP seek to ensure that development proposals shall not harm the amenity of neighbouring residential properties. Policy DM7 of the emerging SADMP seeks to ensure appropriate remediation of contaminated land in line with minimum national standards. The proposed development would adjoin: nos. 18, 24, 26, 28, 30, 32 Heath Lane and Westfield Farm Cottage.
- 8.75. A noise assessment was submitted with the application. Existing noise levels were measured adjacent to 24 Heath Lane which would be the residence most impacted noise associated with the increased vehicular movements. The report confirmed that the magnitude of noise impact associated with noise level change can be classed as major in the short term at some properties. Results also indicate that the daytime noise level may exceed the World Health Organisation upper guideline. However, it is noted that the noise level change can be classed as minor and the majority of properties benefit from screening. Environmental Health (Pollution) was consulted on the application and raised no objection with regards to noise impacts, subject to conditions for the protection of neighbouring amenity.
- 8.76. An air quality assessment was submitted with the application. Existing air quality data has been gathered to provide background information for the estimated level of change expected as a result of the proposed development. Two receptor points have been identified as the areas most likely to be impacted by increased traffic and associated emissions. The two receptors are at 22 Heath Lane and dwellings at the junction of Wood Street and Heath Lane. The report concludes that the magnitude of change in the concentration of harmful emissions is 'small' with the impacts being 'negligible'. Environmental Health (Pollution) was consulted on the application and raised no objection with regard to the impact on air quality.
- 8.77. Layout is not a consideration under this application and would be dealt with at the reserved matters stage. However, it is considered that sufficient separation distances could be achieved between the proposed development and existing residential properties to avoid issues relating to overlooking, overbearing and overshadowing. Concern was raised over the impact of the development on views from the neighbouring properties. The impact on views from neighbouring properties is given limited weight as a material consideration.
- 8.78. The proposed development, subject to conditions, is considered to be in accordance with Policies BE1 of the Local Plan and DM10 of the emerging SADMP.

Developer Contributions

- 8.79. Policy IMP1 of the Local Plan (2001) states that contributions towards the provision of necessary on-site and off site infrastructure and facilities to serve the development will be required and the granting of planning permission will be subject to the agreement of planning obligations.
- 8.80. Emerging Policy DM3 identifies that where development will create a need to provide additional or improved infrastructure, amenities or facilities, developers will be expected to make such provision directly or indirectly through the appropriate funding mechanism.
- 8.81. Regulation 122 of the CIL Regulations 2010 provides that a planning obligation (ie in essence a developer contribution) may only constitute a reason for granting planning permission for the development if the obligation is;
- 8.82. Necessary to make the development acceptable in planning terms, and
- 8.83. Directly related to the development, and
- 8.84. Fairly and reasonably related in scale and kind to the development

Education

- 8.85. A contribution request has been made from the Local Education Authority based on Department for Education cost multipliers on a formula basis.
- 8.86. A Primary School contribution request of £1,016,316.84 has been made for Weaver's Close C of E Primary School.
- 8.87. A Secondary School (11-18 years) contribution request of £1,268,268.75 has been made for Heath Lane Academy.
- 8.88. A Special School contribution request of £115,519.29 has been made for expanding special school provision.
- 8.89. The contributions are considered to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed and should be secured by a Section 106 agreement. The above contributions have been agreed with applicant and would be secured through a S106 agreement.

Civic Amenity

- 8.90. A contribution request has been made from Leicestershire County Council Environmental Services for £17,336 for enhancing the waste facilities at Barwell Civic Amenity Site by the acquisition of additional containers or the management of traffic into and out of the civic amenity site to ensure that traffic on adjoining roads are not adversely affected by vehicles queuing to get into and out of the site.
- 8.91. The contributions are considered to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed and should be secured by a Section 106 agreement. The above contribution has been agreed with applicant and would be secured through a S106 agreement

Library

- 8.92. A contribution request has been made by Leicestershire County Council Library Services for £13,996.50 for enhancing provision at Earl Shilton Library.
- 8.93. The contributions are considered to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed and should be secured by a Section 106 agreement. The above contribution has been agreed with applicant and would be secured through a S106 agreement.

Police

- 8.94. Leicestershire Police has provided detailed justification for a S106 request of £112,697 to contribute toward the following: equipping staff, police vehicles, radio cover/capacity, and police database capacity, control room telephony, ANPR CCTV deployment, mobile CCTV deployment, premises and equipment for additional access hub to serve the locality.
- 8.95. The contributions are considered to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed and should be secured by a Section 106 agreement. The above contribution has been agreed with applicant and would be secured through a S106 agreement

Health

- 8.96. Heath Lane Surgery is located adjacent to the application site and therefore is likely to be used by the additional population. The surgery is currently running at capacity and there are plans to extend the surgery in association with the delivery of the Earl Shilton SUE. A contribution of £213,444 has been requested. Or as an alternative, suitable land to facilitate the expansion of the surgery has been requested.
- 8.97. Following discussions between the interested parties, it has been agreed that the developer would provide 0.3ha of land to facilitate the extension to the surgery plus circa 96 car parking spaces as part of a reconfigured car park as well as a contribution of £50,944. Should for any reason, the extension not go ahead then the full monetary contribution would be paid.
- 8.98. The contributions are considered to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed and should be secured by a Section 106 agreement. The above contribution has been agreed with applicant and would be secured through a S106 agreement

Play and Open Space

- 8.99. Policy 19 of the Core Strategy and Policies REC2 and REC3 of the Local Plan seek to deliver open space as part of residential schemes. These policies are supported by the SPD on Play and Open Space and Green Space Strategy 2005-2010 & Audits of Provision 2007.
- 8.100. The starting point for negotiation, as set out in the above policy, would be for the provision of 1.4ha of formal recreation space, 0.52ha of informal open space and 0.175ha of equipped play space, all to be provided on site. However, based on the constraints of the site and provision of play equipment in the surrounding the following has been agreed:

- £102,000 towards the provision of a Neighbourhood Play Area (NEAP), providing 9 pieces of play equipment; to be provided on site
- £98,980 towards the maintenance of the NEAP within the application site
- £210,540 towards the provision of a Multi-Use Games Area (MUGA) at Weaver Springs Park, of which £92,400 would be towards maintenance
- £188,123.30 towards the provision and maintenance of 3.76ha of public open space across the application site for a 10 year period (informal amenity space, semi-natural amenity space and kickabout area).

8.101. The contributions are considered to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed and should be secured by a Section 106 agreement. The above contributions have been agreed with applicant and would be secured through a S106 agreement.

8.102. The maintenance and responsibility of the informal amenity space, semi-natural amenity space, play area and kickabout area shall be transferred to either Earl Shilton Town Council or a management company through the S106 agreement.

Public Realm

8.103. Policy 19 of the Earl Shilton and Barwell Area Action Plan seeks to secure the enhancement of the public realm, through physical development and / or developer contributions which conform to the respective public realm. The policy specifically relates to developments within the settlement boundary and the application site sits outside of but adjacent to the settlement boundary. The AAP policy is supported through Policy 2 of the Core Strategy which seeks to support the regeneration of Earl Shilton Centre; including public realm improvements and Policy 5 of the Core Strategy which seeks to deliver high quality pedestrian and cycle linkages. Given the proximity of the site to the town centre and the aims for regeneration, it is considered that a contribution towards improvement of the public realm is applicable and shall be secured through Policy DM3 of the emerging SADMP. The agreed contribution, to improve connectivity and the public realm between the site, Wood Street Park and Earl Shilton High Street as part of the Town Team Initiative, is £240,625. The contributions are considered to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed and should be secured by a Section 106 agreement.

9. Conclusion

9.1. The proposed development is not plan-led and sits outside of, but adjacent to the settlement boundary of Earl Shilton. The location of the proposed development adjacent to the Earl Shilton's urban area and the identified infrastructure improvements would contribute towards ensuring a sustainable form of development, subject to the material impacts of the development.

9.2. The proposed development would result in a number of benefits to the existing and proposed population. It would: contribute to social sustainability through the provision of additional homes which would increase supply and choice for the local population; provide work in Earl Shilton in construction related jobs and services and through the delivery of the proposed employment land; provide additional amenity facilities that would benefit Earl Shilton, including public realm improvements in the District Centre and to public open space; improve road access and provide land that would facilitate the extension of Heath Lane Medical Centre. The benefits that have been identified from this proposal have the ability to

contribute towards the regeneration ambitions for Earl Shilton that are contained within the Core Strategy.

- 9.3. The proposed development would have an adverse impact on the visual appearance, landscape character and settlement character which is contrary to policy. This would be most noticeable from the footpaths, bridleways and roads to the north of the settlement.
- 9.4. The proposed development would be accessed via an upgraded junction onto Heath Lane and contribute towards the provision of improvements towards the strategic highway network and therefore would mitigate the impact on highway safety. Flood risk and increased surface water runoff from the development would be mitigated through the provision of attenuation ponds and a sustainable urban drainage scheme. The impacts on protected species and biodiversity can be mitigated through the use of conditions.
- 9.5. The majority of material impacts of the development can be mitigated through developer contributions, on site works and detailing at the reserved matters stage. It is considered that there is some landscape, visual and character harm which is contrary to policy. However, in accordance with paragraph 7 of the NPPF, environmental impacts are only one consideration that contribute towards sustainable development. The proposed development has significant identified benefits for Earl Shilton which are considered to outweigh the landscape, visual and character harm and therefore the proposed development is recommended for approval.

10. Recommendation

- 10.1. Grant planning permission subject to:
 - The prior completion of a S106 agreement to secure the following obligations:
 - Education – Primary £1,016,316.84
 - Secondary £1,268,268.75
 - Special £115,519.29
 - Play and open space - £599,645.30
 - Public realm improvements - £240,625.00
 - Health - £50,944.00 and land
 - Police - £112,697.00
 - Library - £13,996.50
 - Civic amenity - £17,336.00
 - Highways (sustainable transport) – £305,029.00
 - Highways (strategic improvements) - (to be agreed under delegated powers)
 - Planning conditions outlined at the end of this report.
- 10.2. That the Chief Planning and Development Officer be given powers to determine the final detail of planning conditions based on those conditions agreed by the committee.
- 10.3. That the Chief Planning and Development Officer be given delegated powers to determine the final terms of the S106 agreement including trigger points and claw back periods based on the terms agreed by the committee

10.4. **Conditions and Reasons**

1. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters approved.

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

2. Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:
 - a) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development
 - b) The scale of each building proposed in relation to its surroundings
 - c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
 - d) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal in accordance with the requirements of Part 3 (5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:-

13.023/02 - Site Location Plan (received on 11 February 2015)

20851_08_020_01g - Heath lane access (received on 6 June.2016)

Reason: For the avoidance of doubt and in the interests of proper planning.

4. The development hereby permitted shall be carried out along the lines indicated on the following plans:

13.023/01i - Illustrative masterplan dated 06/2016 (received on 9 June.2016)

13.023/03d - Ecology plan dated 06/2016 (received on 9 June 2016)

13.023/15d - Public open space plan dated 06/2016 (received on 9 June 2016)

for up to 350 dwellings, subject to the details to be submitted to, and approved in writing by, the Local Planning Authority

Reason: For the avoidance of doubt and in the interests of proper planning.

5. No development shall commence unless and until such time as representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings/buildings for that phase have been deposited with and approved in writing by the local planning authority. The development shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan and Policy DM10 of the emerging Site Allocations and Development Management Policies Development Plan Document.

6. Prior to commencement of development, highway improvement works as shown on ME-C drawing number 20851_08_020_01g shall be provided in full and be available for use.

Reason: To ensure adequate and safe access for all modes of transport to and from the development and in the interests of highway safety to accord with Policy T5 of the adopted Hinckley & Bosworth Local Plan and Policy DM17 of the emerging Site Allocations and Development Management Policies Development Plan Document.

7. Prior to commencement of development, a detailed design of the proposed emergency services, pedestrian and cycling access at Keats Lane shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development and in the interests of highway safety to accord with Policy T5 of the adopted Hinckley & Bosworth Local Plan and Policy DM17 of the emerging Site Allocations and Development Management Policies Development Plan Document.

8. All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing and lining (including that for cycleways and shared use footway/cycleways) and visibility splays and be submitted for approval by the local Planning Authority in consultation with the Highway Authority before development commences. Note: Your attention is drawn to the requirement contained in the Highway Authority's current design guide to provide Traffic Calming measures within the new development.

Reason: To ensure a satisfactory form of development and in the interests of highway safety.

9. No part of the development as approved shall be brought into use until details of a Framework Travel Plan has been submitted to and agreed in writing by the Local Planning Authority:

The Plan shall also specify:

- a) The on-site Plan implementation and management responsibilities, including the identification of a Travel Plan Co-ordinator,
- b) The arrangements for regular travel behaviour and impact monitoring surveys and Plan reviews covering a period extending to at least one year after the last unit of development is occupied or a minimum of 5 years from first occupation, whichever will be the longer.
- c) The timescales or phasing programmes for delivery of the Plan's proposals and for the achievement of the specified output and outcome targets, and
- d) Additional facilities and measures to be implemented if monitoring shows that the Plan's targets are not likely to be met, together with clear trigger dates, events or threshold levels for invoking these measures.

Once agreed, The Plan, shall be implemented in accordance with the approved details, and thereafter, the implementation of the proposals and the achievement of targets of the Plan shall be subject to regular monitoring and review reports to the LPA and, if invoked, to the implementation of the specified additional measures.

Reason: To ensure that adequate steps are taken to achieve and maintain reduced travel, traffic and parking impacts and to provide and promote use of more sustainable transport choices to and from the site in order to relieve traffic and parking congestion, promote safety, improve air quality or increase accessibility in accord with Section 4: 'Promoting Sustainable Transport' of the NPPF 2012.

10. No development approved by this planning permission shall take place until such time as a scheme for the surface water drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall include:
 1. Details of flood resilience measures including finished floor levels being set no lower than 600mm beyond the flood extents for 1:100 year plus climate change allowance;
 2. An appropriate buffer zone to be provided from the existing bank of the water course;
 3. Provision, implementation and maintenance of a Sustainable Drainage (SuDs) system with storage provided up to the 100 year plus climate change allowance. The scheme should include one treatment train for roofs and two treatment trains for roads and hard-standing areas in line with CIRIA C697 recommendations;
 4. The surface water drainage arrangements should be such that the volumes and peak flow rates of surface water leaving the site are no greater than the rates prior to development.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site; to reduce the risk of flooding to the proposed development and future users to accord with Policy DM7 of the emerging Site Allocations and Development Management Policies Development Plan Document.

11. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To ensure that infiltration drainage techniques are not adopted in areas of the site where residual contamination remains and that contamination is not mobilised to accord with Policy DM7 of the emerging Site Allocations and Development Management Policies Development Plan Document.

12. No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors; and
- potentially unacceptable risks arising from contamination at the site.

- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The protection of controlled waters. Potential sources of contamination have been identified, in particular the two landfill sites which lie adjacent to the application site, one to the east and one to the west, and the agricultural buildings in the northeast of the site. We agree with the recommendations to undertake targeted intrusive investigation at the site to ensure that any areas of contamination are identified and addressed appropriately and to accord with Policy DM7 of the emerging Site Allocations and Development Management Policies Development Plan Document.

13. No occupation of any part of the permitted development shall take place until, if necessary in accordance with condition 12, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by, the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that any remediation is undertaken in line with the agreed method statement in order to protect controlled waters and to accord with Policy DM7 of the emerging Site Allocations and Development Management Policies Development Plan Document.

14. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure the health and safety of those using the site and to accord with Policy DM7 of the emerging Site Allocations and Development Management Policies Development Plan Document.

15. No development approved by this permission shall be commenced until a scheme for the monitoring of landfill gas on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any landfill gas shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure the health and safety of those using the site and to accord with Policy DM7 of the emerging Site Allocations and Development Management Policies Development Plan Document.

16. Development shall not begin until a scheme for protecting nearby existing dwellings and dwellings forming part of the proposed development from noise from the commercial/industrial elements of the proposed development has been submitted to and approved by the Local Planning Authority. All works

which form part of the scheme shall be completed before permitted development first comes into use

Reason: To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise in accordance with Policy BE1 of the Hinckley and Bosworth Local Plan and Policy DM10 of the emerging Site Allocations and Development Management Policies Development Plan Document.

17. No development shall take place within each phase of development, until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out the overall strategies for:
- a) The means of access and routing for demolition/ ground work and construction traffic
 - b) The parking of vehicles of site operatives and visitors
 - c) Loading and unloading of plant and materials
 - d) Storage of plant and materials used in constructing the development
 - e) Location of Contractor compound(s)
 - f) Wheel washing facilities
 - g) Management of surface water run-off including details of any temporary localised flooding management system and a scheme to treat and remove suspended solids from surface water run-off during construction
 - h) Temporary highway works
 - i) Prevention of impact to existing and proposed residents from dust, odour, noise, smoke, light and land contamination during construction
 - j) Details of how the above will be monitored and a procedure for the investigation of complaints.

The approved CEMP shall be adhered to throughout the construction period for that phase of development to which it relates.

Reason: To ensure the development does not have an adverse impact on the amenities of surrounding and proposed properties in accordance with Policy BE1 of the Hinckley and Bosworth Local Plan and Policy DM10 of the emerging Site Allocations and Development Management Policies Development Plan Document.

18. No waste materials shall be burnt on the site at any time during construction phase

Reason: To ensure the development does not have an adverse impact on the amenities of surrounding and proposed properties in accordance with Policy BE1 of the Hinckley and Bosworth Local Plan and Policy DM10 of the emerging Site Allocations and Development Management Policies Development Plan Document.

19. Construction shall be limited to the following hours:

Monday to Friday: 07:30 - 18:00

Saturday: 08:00 - 13:00

No works shall take place on Sundays and Bank holidays

Reason: To ensure the development does not have an adverse impact on the amenities of surrounding and proposed properties in accordance with Policy BE1 of the Hinckley and Bosworth Local Plan and Policy DM10 of the emerging Site Allocations and Development Management Policies Development Plan Document.

20. Prior to the commencement of development, a Biodiversity Management Plan for all retained and created habitats, including sustainable urban drainage features, shall be submitted and approved in writing by the Local Planning Authority. The biodiversity Management Plan shall be implemented in accordance the approved details unless otherwise agreed in writing.

Reason: To ensure no adverse impacts on biodiversity in accordance with Policy DM6 of the emerging Site Allocations and Development Management Policies DPD

21. Buffer zones of at least 5 metres of natural vegetation shall be maintained on either side of all hedgerows to be retained.

Reason: To minimise adverse impacts on biodiversity in accordance with Policy DM6 of the emerging Site Allocations and Development Management Policies DPD

22. The sustainable urban drainage features shall be designed to maximise the enhancement of biodiversity.

Reason: To ensure the development results in a net gain to biodiversity in accordance with Policy DM6 of the emerging Site Allocations and Development Management Policies DPD

23. Any light spill onto retained hedgerows and the Thurlaston Brook corridor, shall be minimised to a value of 1lux or lower at the edge of the habitats.

Reason: To minimise adverse impacts on biodiversity in accordance with Policy DM6 of the emerging Site Allocations and Development Management Policies DPD

24. Prior to each phase of development, to be agreed in accordance with the Layout at Reserved Matters stage, an assessment of risk to protected species (notably badgers and Great Crested Newts) shall be carried out and submitted to the Local Planning Authority. Additionally, survey updates and revised mitigation strategies shall be submitted to accompany the assessment if the previously submitted information is more than one year since its publication.

Reason: To minimise adverse impacts on biodiversity in accordance with Policy DM6 of the emerging Site Allocations and Development Management Policies DPD

25. Prior to commencement of development, exclusion and trapping of great crested newts on the development site shall be carried out in accordance with an EPS licence condition and as recommended in section 5.3 of the submitted document entitled 'Westfield Farm, Earl Shilton Phase 2 Ecology Surveys' by Baker Consultants, dated 26th September 2014.

Reason: To minimise adverse impacts on biodiversity in accordance with Policy DM6 of the emerging Site Allocations and Development Management Policies DPD

26. No vegetation shall be removed on site during the bird nesting season (1st March - 31st July inclusive).

Reason: To minimise adverse impacts on biodiversity in accordance with Policy DM6 of the emerging Site Allocations and Development Management Policies DPD

27. If demolition of the existing farm buildings on site are not completed by 26th September 2016, further bat surveys shall be carried out and submitted to the Local Planning Authority in addition to revised mitigation measures, if necessary, in accordance with the recommendations as set out in the submitted document entitled 'Westfield Farm, Earl Shilton Phase 2 Ecology Surveys' by Baker Consultants, dated 26th September 2014.

Reason: To minimise adverse impacts on biodiversity in accordance with Policy DM6 of the emerging Site Allocations and Development Management Policies DPD

28. The development hereby permitted, shall not commence until drainage plans for the disposal of foul sewage has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to first use of the development.

Reason: To ensure that the development is provided with a satisfactory means of drainage and to minimise the risk of pollution to accord with Policy DM7 of the emerging Site Allocations and Development Management Policies Development Plan Document.

29. No development shall commence, in any phase, unless and until details of all proposed walls, fences, railings and gates for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details and no building shall first be occupied until the boundary treatments associated with that building have been installed, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a high quality of design in accordance with Policy BE1 of the Local Plan (2001) and emerging Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

30. No development shall commence, in any phase, unless and until such time as the existing and proposed ground levels of the site, and proposed finished floor levels for that phase have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with approved details.

Reason: To ensure a high quality of design in accordance with Policy BE1 of the Local Plan (2001) and emerging Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

10.5. **Notes to Applicant**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.